IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6206 of 2007()

CRIME 690/2007 OF KAYAMKULAM POLICE STATION

ACCUSED:

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1. NARAYANA KURUP, PADMA BHAVANAM,
KAPPIL WEST MURI, KRISHNAPURAM VILLAGE.

2. GEETHAKUMARI, DO, DO.

BY ADV. SRI.K.HARILAL

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6206 of 2007

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Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners face allegations of having committed offences punishable, inter alia, under Section 452 IPC (that is the only non bailable offence alleged). The petitioners are spouses. The de facto complainant is the sister-in-law of the 1st accused. The de facto complainant and the petitioners are neighbours also. The learned counsel for the petitioners submits that actually they are occupying different portions of the same building. The de facto complainant's daughter, a child, had allegedly plucked a flower. They had allegedly infuriated the petitioners. They allegedly went to the house of the de facto complainant and unleashed an attack on the de facto complainant. This is the alleged incident. Though it is alleged that an iron rod was used for the commission of the crime, no serious injury which can specifically and clinchingly corroborate that allegation is seen noted.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Even if all the allegations were accepted, there is no element of any serious offence as alleged against

the petitioners. Directions under Section 438 may, hence, be issued in favour of the petitioners, it is prayed.

3. The learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners. Appropriate conditions can of course be imposed in the interests of a fair, efficient and proper investigation.

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioners shall surrender before the learned Magistrate having jurisdiction on 23.10.2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 24.10.2007 and 25.10.2007 and thereafter the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 23.10.2007, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 23.10.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE